

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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IN RE COLUMBIA UNIVERSITY  
PATENT LITIGATION ) MDL No. 1592 (MLW)

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**MOTION FOR LEAVE TO FILE AN AMENDED  
AND SUPPLEMENTAL COMPLAINT**

Plaintiffs Wyeth and Genetics Institute LLC (the successor of Genetics Institute, Inc.) (collectively referred to herein as "Wyeth" unless specifically stated otherwise) hereby move, pursuant to Rules 15 of the Federal Rule of Civil Procedure, for leave to amend and supplement their Complaint, to add four claims and additional information. The reasons for plaintiffs' motion to amend and supplement are fully set forth in Wyeth's Status Report and Memorandum of Reasons in Support of Plaintiffs' Motion for Leave to File an Amended and Supplemental Complaint, filed herewith.

A copy of the Proposed Amended and Supplemental Complaint is attached hereto at Tab A.

Pursuant to D. Mass. LR 7.1(a)(2), plaintiffs' counsel contacted defendants' counsel to inquire whether defendants would oppose this motion. Defendants counsel indicated that defendants would oppose this motion for leave to file an amended and supplemental complaint, necessitating filing of this motion with the Court.

WHEREFORE, plaintiff requests that the Court grant this motion for leave to amend and supplement.

Dated: December 6, 2004

Respectfully submitted,

/s/ Eric J. Marandett  
One of the Attorneys for WYETH, and  
GENETICS INSTITUTE LLC

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